

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GARY SASS,  
Plaintiff,  
Civ. 10-4079 (MKB) (MDG)

- against -

MTA BUS COMPANY,  
Defendant.

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**DEFENDANT'S PROPOSED VOIR DIRE QUESTIONS**

Defendant submits the following questions to be asked of prospective jurors on voir dire:

General Background

1. Have you ever sat on a jury before? If so, was the action civil or criminal? Did you deliberate? Did you reach a verdict?

2. What is the highest level of education you have achieved? What degrees, licenses or certificates have you earned?

3. Have you ever served in the armed forces? If so, what branch, when and for how long? What were the circumstances of your discharge?

4. Were you born in the United States, or are you a naturalized citizen? If you were not born in the United States, what country were you born in?

5. Are you currently employed? If not, what was your most recent job and how do you currently spend your time?

6. If you are currently employed, where are you

employed, with whom and for how long? What are your job responsibilities? Are you a salaried employee or are you paid by the hour?

7. Are you, or have you ever been, a member of a union? If so, please describe your involvement.

8. Are you married or in a domestic partnership? If so, does your spouse or domestic partner work? If not, has your spouse or domestic partner worked in the past?

9. If your spouse or domestic partner works, where and with whom? What are your spouse's or domestic partner's job responsibilities?

10. Do you have any children? If so, how many and what are their ages?

11. Do any of your children work full time? If so, for whom do they work and what are their job responsibilities?

12. Are your parents living and if so are they employed?

13. If your parents are employed, for whom do they work and what are their job responsibilities?

14. Do you have any siblings? If so, how many and are any of them employed?

15. If your siblings are employed, for whom do they work and what are their job responsibilities?

16. To your knowledge, have your spouse or domestic partner, children, parents or siblings ever been a member of a union? If so, please describe their involvement.

17. Do you know any of the parties, witnesses or attorneys in this case?

18. To your knowledge, does your spouse or domestic partner know any of the parties, witnesses or attorneys in this case?

19. To your knowledge, do your children know any of the parties, witnesses or attorneys in this case?

20. To your knowledge, do your parents know any of the parties, witnesses or attorneys in this case?

21. To your knowledge, do your siblings know any of the parties, witnesses or attorneys in this case?

Knowledge of/Attitudes Toward the Transit Authority

22. Have you ever heard of MTA Bus or the New York City Transit Authority? If so, do you have any opinions about MTA Bus or about the New York City Transit Authority?

23. Have you ever used the facilities or services of MTA Bus or the New York City Transit Authority? If so, how often? Overall, have your experiences been positive or negative?

24. Have you ever worked for, or applied to work for, MTA Bus or the New York City Transit Authority? If so, please explain.

25. To your knowledge, have any of your friends or relatives ever worked for, or applied to work for, MTA Bus or the New York City Transit Authority? If so, please describe your experience.

26. Have you ever worked for, or applied to work for, the Metropolitan Transportation Authority, the Manhattan and Bronx Surface Transit Operating Authority, the Staten Island Rapid Transit Operating Authority, the Long Island Railroad or Metro-North Railroad? If so, please identify the agency and describe.

27. To your knowledge, have any of your friends or relatives ever worked for, or applied to work for, the Metropolitan Transportation Authority, the Manhattan and Bronx Surface Transit Operating Authority, the Staten Island Rapid Transit Operating Authority, the Long Island Railroad or Metro-North Railroad? If so, please identify the agency and describe the jobs held or applied for.

28. Have you ever been employed by, or applied to be employed by, any city, state or federal government, office or agency? If so, please identify the employer and describe.

29. To your knowledge, have any of your friends or relatives ever been employed by any city, state or federal government, office or agency? If so, please identify the employer and describe.

30. Have you ever worked for any company that provides, or is involved in the provision of, transportation services? If so, please identify the employer and describe.

31. To your knowledge, have any of your friends or relatives ever worked for any company that provides, or is involved in the provision of, transportation services? If so,

please identify the employer and describe.

32. Do you think a government agency should be held to a higher degree of responsibility than a private employer? A lower degree of responsibility? Please explain.

33. Have you ever worked in civil service? If so, please describe.

34. Do you have any attitudes or perceptions about people who work in civil service? Please describe.

35. Have you ever filed a notice of claim against MTA Bus, the New York City Transit Authority or any government agency? If so, please explain.

36. Have you ever sustained an injury or been the victim of a crime while using the facilities or services of MTA bus or the New York City Transit Authority? If so, please describe the circumstances.

#### Jurors' Experience As a Supervisor and/or Employer

37. Have you ever held a supervisory or management position? If so, please describe the position and your job responsibilities. Did you enjoy that work?

38. If you have worked in a management or supervisory position, how do you think that experience might affect you in this case? Why?

39. Have you ever been involved in the hiring, promotion, demotion, termination or discipline of any employee? If so, please describe.

40. Have you ever discussed with a relative, friend or colleague their involvement in the hiring, promotion, demotion, termination or discipline of any employee? If so, please describe.

41. Have you ever owned your own business or ever been self-employed? If so, please describe.

42. Has a relative or friend ever owned her or his own business or ever been self-employed? If so, please describe.

43. Do you think you might trust the testimony of a supervisor, manager or corporate officer more than that of an employee who does not have as high a ranking? Would you trust that person's testimony less than that of an employee who does not have as high a ranking? If yes to either question, why?

#### Attitudes Towards Employment Discrimination, Disabilities

44. When you hear the word "discrimination," what does it mean to you?

45. When you hear the word "retaliation," what does it mean to you?

46. Have you ever considered yourself a victim of discrimination? If so, please explain.

47. Have you ever considered yourself a victim of retaliation? If so, please explain.

48. To your knowledge, have any of your relatives, friends or colleagues ever considered themselves a victim of discrimination or retaliation? If so, please explain.

49. Have you ever been accused of discrimination? If so, please explain.

50. Have you ever been accused of retaliation? If so, please explain.

51. Have any of your relatives, friends or colleagues ever been accused of discrimination or retaliation? If so, please explain.

52. Have you ever been a witness in a discrimination case? If so, please explain.

53. Have any of your relatives, friends or colleagues ever been a witness in a discrimination case? If so, please explain.

54. Have you ever suffered any adverse treatment as a result of your religion? If so, please explain.

55. To your knowledge, have any of your relatives, friends or colleagues ever suffered any adverse treatment as a result of their religion? If so, please explain.

56. Have you ever suffered any adverse treatment as a result of complaining about discrimination? If so, please explain.

57. To your knowledge, have any of your relatives, friends or colleagues ever suffered any adverse treatment as a result of complaining about discrimination? If so, please explain.

#### Involvement in Litigation

58. Have you or any member of your family ever been a party to a lawsuit? If so, please describe the suit.

- (a) Were you (or your relative) suing or being sued?
- (b) Who was the other party?
- (c) If you were the plaintiff, what made you decide to sue?
- (d) How long ago was the suit filed?
- (e) Is the matter resolved yet?
- (f) How long ago was it resolved?
- (g) What was the outcome?
- (h) How did you feel about the outcome?
- (i) How did it affect you?

59. Was there anything about your experience that left you with any kind of feeling about the legal profession or the court system? Can you tell us more about that?

60. Have you ever testified in a legal proceeding? If yes, what were the circumstances? How did you feel about that experience?

#### Attitude Toward People Who Are Involved in Litigation

61. Do you think that a person who is named as a defendant in a lawsuit has to have done something wrong to be brought into court?

62. Do you think that people who start lawsuits are entitled to compensation for their efforts?

63. Do you have concerns about giving people financial

compensation for injuries they have suffered? What are they and why do you have such beliefs?

64. Do you think it is appropriate for a jury to give someone money even if they have not suffered any financial, emotional or physical harm? Why or why not?

65. Do you think it is appropriate for a person to seek money from a government agency? Why or why not?

66. Do you think it is appropriate for a jury or court to order the government to pay money to a private individual? Why or why not?

#### Role of Court and Jurors

67. In a civil action such as this, it is proper to find that a party has succeeded in carrying their burden of proof on an issue of fact if, after consideration of all the evidence in the case, the jurors believe that what is sought to be proved on the issue is more likely true than not true. Do you believe you are capable of weighing the evidence and making such a determination?

68. One of a juror's responsibilities is to assess the credibility of witnesses. Do you believe you are capable of assessing the credibility of a witness, of determining whether or not that witness is telling the truth?

69. I will instruct you as to the law relevant to the case. Can you follow the law as I will instruct you at the conclusion of the trial, regardless of whether or not you agree

with what that law is?

Dated: New York, New York  
June 10, 2013

Respectfully submitted,

by:

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